The
REPORTER
For Conscience' Sake

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CATHOLIC CO RELEASED FROM ROTC

Donald Reed, of Los Angeles, has just been relieved of the requirement to take ROTC for two years at Loyola University of Los Angeles. He entered Loyola this fall as a freshman. Being a Roman Catholic, Donald felt that he should attend a Catholic school. Because of his pacifist convictions, he could not accept the ROTC courses normally required. Through efforts of various pacifist organizations, the release was accomplished.

WHITWILL SEEKS DISCHARGE

Three times a request for discharge from the Navy by Jay S. Whitwill has been turned down. Because of his conscientious objector convictions, Jay has decided that he cannot continue to be a part of the armed forces. The non-combatant position is no longer acceptable to him.

Recently Whitwill was sent to an armed forces mental hospital as a patient. For one month he was treated, generally being kept in a dull stupor. At present he is back at his former base, still trying to obtain a discharge. The Mennonite Church has befriended him and is helping him to obtain a discharge.

DISCHARGED FOR DEPENDENCY

Recently a non-combatant soldier, whose home is in Pennsylvania, was released from the service on dependency grounds. His widowed mother and family were unable to continue in self support, even with the soldier's allowance. Investigation of the conditions was made through the Red Cross and a local minister. Application for discharge was filed, but four months elapsed before discharge was granted. This Church of the Brethren soldier had constant difficulty in keeping his I-A-O position while in the Army.

Court Cases Filled With Many Technical and Legal Considerations

Unknown to a great part of the public, a constant stream of legal cases of CO's who refused induction, after denial of I-O, passes through the U. S. Courts. It is impossible and impractical to print in the REPORTER all the minute, yet significant, details of court procedures in CO cases. However, many briefs and opinions in connection with cases are available from NSBRO for a nominal fee.

Following is a résumé of some court cases over the last number of months:

FOUR DOTYS ARRESTED AGAIN

Arrested and indicted for refusing to submit for induction, the four Doty brothers and their father, Mr. William Doty, are again preparing to go into court. By these actions they are attempting to "awaken the people of good will to the great need for the abolition of military conscription."

Previously Orin, Paul and Sid were sentenced to prison for 18 months, with 24 months for Joel, for refusing to register. Most of their prison time was spent at the Ashland, Kentucky, Federal Correctional Institute. They were released in June 1952. Even though Joel was still on parole, the four brothers were again arrested, for this latest offense, in March 1953. The trial will be coming up soon.

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VEGETARIAN EDITOR SENTENCED

Richard D. Blazej of Chappaqua, New York, was sentenced to 4 years of prison on October 7, 1953, by Judge F. X. McGohey, in New York City. The sentence was based on two counts, failure to carry his draft registration card and refusing to submit for induction. Richard was unable to get a I-O classification, even after twice appealing for it. He was closely associated with and worked for various pacifist and humanitarian organizations. Throughout the last several months he has more than ever expressed appreciation for the moral support given him by individuals in the pacifist movement. He was editor of the vegetarian newspaper *Think*.

* * *

CAREY PLEADS OWN CASE

Although originally classified as a conscientious objector, Gordon Ray Carey of California now states, "I cannot register and be classified even as a conscientious objector because I would be cooperating with Selective Service in achieving their ends of drafting other men." Gordon began his acts of non-cooperation with draft laws in December of 1952 when he returned his draft cards to his local board. The I-A classification was sent to him, which was followed by an induction order for March, 1953. During the period of this exchange of letters with his local board, Gordon was working in Mexico on a church service project. He subsequently worked at other service projects in the United States, but never left any forwarding addresses with his draft board.

Upon his return home this last August, Gordon was arrested. His trial was held

(*Continued on next page*)

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COURT CASES

(*Continued from page one*)

October 20 in the court of Judge Harry Westover in Los Angeles. A three-year sentence to prison was the verdict. Gordon, in pleading his own case before the court, made the following significant statement, "Each man must finally, before God, make his own decisions in life. . . . I can find nowhere . . . any real indication that killing on a large scale is any more moral than individual murder. . . . Most of us have felt that war was a lesser and necessary evil. My belief in a loving God shows me that taking human life can never be justified."

* * *

HAMMACK FINED $500

The trial of David Hammack (see the September, 1953, REPORTER) came to a surprising end on October 19, 1953, when Judge Dal C. Lemmon handed down a sentence of only a $500 fine. David was consistently refused the draft classification of a conscientious objector. Therefore he refused to submit for induction when so asked by his draft board.

The following excerpts from the transcript of the court proceedings are very significant and show the attitude of Judge Lemmon toward Hammack. "My study of the Selective Service file in this case and other information which has come to me since this case was tried has convinced me that this young man is sincerely a conscientious objector, that he is genuinely, and with deeply rooted conviction, opposed to the use of force in the settlement of international disputes. . . .

"I agree with counsel that no good would come to him or to society if he were imprisoned. I believe that he has purposeful work (as a foreign missionary) to which he hopes to devote his talents, and it is expected that he will do much of good in his field.

"I am, however, mindful that this defendant has decided his obligations to society himself and he has not obeyed the law which this court is called upon to enforce, and I do feel that some punishment must be meted out to him, if for no other reason than the deterring influence of punishment.

"It is the judgment and sentence of this court that this defendant be fined, and he is fined the sum of $500."

* * *

ELLINGTON ACQUITTED

A decision of acquittal was handed Richard O. Ellington September 24 on the basis that a Form 150 was not in his file during his appeal for a 1-O. The St. Louisian filed a late request for Form 150, after an induction order was sent to him. He refused induction, but instead of being prosecuted, his case was sent to the appeal board, with the resultant FBI investigation and hearing being given him. Again he was given I-A and an induction order. After another request for Form 150, the local board finally sent it to Richard. Once again he refused induction, but this time he was arrested.

During the trial, Attorney Ivan H. Light was able to show the court that the absence of the Form 150 in Ellington's file denied Ellington the proper consideration of his claim as a conscientious objector. Richard has begun the draft procedure again, by being classified I-A by his local board.

* * *

ZIMMERMAN CASE PENDING

Ronald Zimmerman recently refused induction, even though he had become a father the middle of last August. After a very long and complicated appeal procedure, Ronald was given a I-A by the Illinois State Appeal Board. Induction was set for May, 1953. However, National Selectice Service Headquarters decided to review his draft file. The result was an appeal to the Presidential Appeal Board, but the induction order was regarded by Selective Service as only postponed instead of cancelled. In the meantime the baby was born and Ronald notified his draft board, for the first time, of his dependency status. The Presidential Appeal Board returned a I-A to Zimmerman. This was followed by a reactivation of the allegedly postponed induction order. He then refused induction and was arrested.

The development of this case in court will be interesting because of the legal aspects involved. The postponing of induction, rather than the cancelling of induction, when an appeal is made, is one of the legal questions to be argued. The outcome of this case will be very significant to many other registrants.

* * *

HARRISON ACQUITTED

An acquittal was the result of Joseph Harrison's trial in Philadelphia for refusing to submit to induction. This decision, which was handed down on October 5, 1953, was similar in some respects to the Relyea acquittal. Harrison was given a I-A-O by the appeal board when apparently there was reason for only a I-A or a I-O classification to be given.

As a member of the Society of Friends, Joseph was preparing to go to Mexico with the American Friends Service Committee (AFSC) when he refused induction in March, 1952. The trial was delayed until this fall.

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MORMON EABY ACQUITTED

A member of the Church of Latter Day Saints, Robert Eaby did not register as a conscientious objector in World War II. In 1948, however, he registered as a CO because of a change in convictions. His local board and the Utah State Appeal Board denied him a I-O classification. Therefore his case was presented at National Selective Service Headquarters in an attempt to get a Presidential Appeal. Such an appeal was taken but again I-O was denied.

Robert was specially examined by a psychiatrist during the induction examination, but nevertheless was accepted for induction. He refused induction and was arrested. The result of the trial was an acquittal because of the faulty induction procedure used by the induction officers. On the day following the trial, Eaby was classified I-O. Later he was assigned to the Utah State Industrial School.

* * *

BENDER ACQUITTED BY APPEAL COURT

Richard Earl Bender, a Brethren in Christ Mennonite from near Harrisburg, Pennsylvania, has just had his two-year prison sentence reversed by the Circuit Court of Appeals. He filed a late claim as a conscientious objector but was denied such classification by the local board and the state appeal board. Consequently, he refused induction in August, 1952.

The two-year sentence was imposed on October 15, 1952, by Judge L. Albert Watson. An appeal was taken by Bender's attorneys, Elvin R. Souder and William Rahill. The Circuit Court of Appeals acquitted Bender on two counts.

Classification Problems Continue For Many COs

As reported frequently in these columns, the "case" work at NSBRO occupies the full time of Associate Secretary Elmer Neufeld, part time of Attorney Myers, a great deal of the time of Paul Binder, and a small part of the Executive Secretary's time. The cases reported below do not begin to reflect the vast amount of "leg" work, correspondence, typing, drafting of briefs, etc., which are attendant to each case.

Some cases continue to be acute for a period of many months or even years.

THREE CATHOLIC CASES APPEALED

The files of three Catholic registrants have been sent to the Presidential Appeal Board by the National Director for the determination of their classification. The local and state appeal boards gave only a I-A classification, instead of the desired I-O. In defense of their positions, the three men wrote a 56-page article describing the Catholic position in relationship to war and the reasons why they could not participate in war, because of these Catholic doctrines. The results of the Presidential Appeal are not yet known.

These three registrants, formerly students in a novitiate, have organized the "Council on War and Morality." A six-point program for peace has been adopted. Various articles pertaining to Catholics and modern war have been and are being prepared by the three men.

* * *

BUDDHIST CASE APPEALED

The file of a Buddhist registrant has just been sent to the Presidential Appeal Board for classification. Although he was originally classified I-O, the local board and the appeal board later gave him a I-A. The Hearing Officer's report and the Justice Department report both recommended a I-O classification.

The registrant, who still attends high school, works in the evenings so as to send $40 a month to his family in China. He lived in China and Hong Kong during the Japanese-Chinese War and World War II. It was then that his Buddhist beliefs of no killings (even of animals and insects), cause and effect, and reincarnation took deep meaning. The sacredness of human life and the fact that all men are brothers are part of his beliefs.

* * *

BECKER GIVEN I-O

Because of some apparent misconceptions about the Mennonite Church doctrines, Lawrence Becker was denied a I-O classification by the state appeal board. Therefore it became necessary to request that National Headquarters of Selective Service review his file. A Presidential Appeal resulted and Becker was classified I-O in June, 1953. Presently he is assigned to the West River Crippled Children's Hospital in Hot Springs, South Dakota.

During the appeal procedure, the lack of information by the Hearing Officer about the Mennonite's peace statements resulted in a I-A-O recommendation. Furthermore, a clear distinction was not made between the opposition to the combatant and to the non-combatant conscientious objector position on Form 150. The result was a I-A-O classification by the state appeal board.

* * *

FALCON ASSISTS PATIENT

The interesting draft case of William P. J. Falcon has just recently come to a close. While in the Merchant Marine, he came to the conclusion that the Christian non-resistant way of life should be his way of life. In 1951 he filed his Form 150 after receiving a I-A. The local board refused to reopen his case. The ensuing induction order was refused, but Falcon was not prosecuted. Instead, his file was returned to the local board.

Again I-A was given but an appeal was taken. Both the Justice Department and the Hearing Officer recommended CO classification but the appeal board gave a I-A. Falcon was now approaching his 26th birthday. His case was reviewed by National Headquarters so as to determine if the Presidential Appeal Board should act. During this review Falcon had an induction order postponed and he subsequently went over age.

After fully accepting the CO position in 1951, he worked with his brother, a Presbyterian minister and chaplain of a large hospital. During 1952 he met a girl, a patient, who was living in an iron lung. William felt that he must care for the girl and become her 24-hour-a-day attendant, so that she might live. Because of his service, the girl recently wrote, "No greater proof of his dedication and consecration to the growth and survival of human life is the improvement that has taken place in my body and mind. . . . Without his care and assistance, I know that I would be cast again into the losing battle with death and hopelessness. . . . Only the person who has been imprisoned in an iron lung and completely dependent for survival upon the dedicated hands of someone who cares will be able to fully appreciate and comprehend the length and breadth and height and depth of the beliefs and convictions of William Falcon."

* * *

JONES FINALLY GIVEN I-O

Registering as a conscientious objector, Ralph Jones of Illinois was given a IV-E and later a I-O. After three years, however, his classification was changed to I-A by the local board and upheld by the state appeal board. Ralph entered the Brethren Voluntary Service Program during the appeal procedure and began training at New Windsor, Maryland. He requested the help of our office in attempting to get a Presidential Appeal.

After a talk and presentation at National Headquarters, a review was made of Jones' file, with the result that a Presidential Appeal was made. Its determination was a I-O and Ralph was subsequently assigned to the Chicago State Hospital.

* * *

ENS BROTHERS CLASSIFIED

Two brothers from Reedley, California, were conscientious objectors. One was given a I-O by the local board but the other, Donald Gene Ens, had to get his I-O from the Presidential Appeal Board. At the present he is assigned to civilian work at the Mendocino State Hospital in California.

Briefly, this is Don's story. Because of his training and beliefs in the Mennonite Brethren Church, he registered as a CO. After going through the local board and state appeal board procedure, he was given a I-A-O. Through NSBRO office, the case was presented to National Headquarters, after the state director refused intervention. Presidential Appeal was taken with a I-O classification as the result. During the long appeal procedure, Don participated in the Mennonite Voluntary Service Program.

* * *

RESIGNED I-Ws GIVEN I-A

Six men, assigned to the East Moline State Hospital in Illinois as I-Ws, resigned because of tensions within their job assignments. All have been placed into I-A by their local boards. Appeals have been taken, with two of the men being retained in I-A and denied Presidential Appeal. Two other men have again had hearings but as yet the appeal boards' determinations have not been made. Status of the last two men is presently unknown.

Orie O. Miller Retires From Board of Directors; Row Is New Chairman

Orie O. Miller, executive secretary of the Mennonite Central Committee, retired from the NSBRO Board of Directors at a regular meeting on September 18. Mr. Miller was a leading spirit in the formation of NSBRO in the early 1940s. He served as chairman since 1948. While retiring from NSBRO, Mr. Miller continues in an active capacity as MCC Executive Secretary. The staff and a large host of constituents extend their best wishes to Mr. Miller.

William T. Snyder, associate executive secretary of MCC, was elected to the Board as MCC representative. W. Harold Row was elected chairman of the NSBRO. Other officers are: William Snyder, vice-chairman; James A. Crain, recording secretary; Huber F. Klemme, treasurer.

The Board also had an interview with General Hershey during the course of its meeting in which various matters of procedure and policy were discussed. Reports of the staff were also discussed by the Board.

Budget at $30,000

The budget for the fiscal year October 1, 1953, to September 30, 1954, was set at $30,000.

The National Institutes of Health sent representatives to the meeting to discuss the possibility of using COs in some of their experimental projects.

CONSULTATIVE COUNCIL HEARS HERSHEY

A high point of the Consultative Council meeting on October 22 was an address by General Hershey of Selective Service. He commented on current developments in the CO program, and spent much time on the subject of religious freedom.

The Council heard reports of the staff, and discussed common problems of COs from the various groups. Nearly 40 persons attended.

Next Meeting

The next Consultative Council meeting will be held on Thursday, March 4, 1954.

CORRECTION

A constituent reminds us that the article on the naturalization oath on page 4 of the August REPORTER may be misleading. Therefore we point out that only one part from the 3-phrase oath quoted in that article needs to be taken by any one individual. For instance, a conscientious objector alien whose claim is recognized by the naturalization court need not take the first two parts of the phrase we quoted but need only subscribe to the words "that I will perform work of national importance under civilian direction when required by law."

IMMIGRATION AND NATURALIZATION RULES ON OATH

Some alien COs have said they could take the naturalization oath provided by the law for COs, if the oath did not require them to do defense work. The government has said this reservation by the CO will not be accepted. Here is an answer from the Immigration and Naturalization Service in response to one of NSB's many inquiries and petitions:

"Reference is made to your letter of August 4, 1953, regarding the oath of allegiance required of aliens in order to be admitted to United States citizenship.

"What this Service held was that a petitioner who is required to take the oath set forth in Section 337(a) of the Immigration and Nationality Act (1952), and relieved from committing himself to bear arms or perform noncombatant service by reason of religious training and belief, may not modify that portion of the oath regarding work of national importance, by declaring what type of work of national importance he will or will not perform.

"There are now several cases pending before various naturalization courts which in effect challenge the foregoing viewpoint. The decisions of the courts may, of course, cause a qualification of the Service position."

REMPEL REFUSES INDUCTION

John W. Rempel of Henderson, Nebraska, refused induction last August in Colorado. The young Mennonite was refused intervention for Presidential Appeal by the State and National S. S. Directors. He had a I-A classification all of the time, even though the Hearing Officer recommended a I-O. Following this I-O recommendation, John voluntarily entered civilian work as defined and approved by Selective Service. Nevertheless, he never was given a I-O classification and consequently refused induction. So far Rempel has not been arrested.

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KROEKER GETS I-W AT LAST

The I-W assignment to the Los Angeles County Department of Charities for LeRoy Kroeker closed a long classification procedure. Originally classified I-O, the local board and then the appeal board classified him I-A-O. Although a member of the Mennonite Brethren Church, certain statements were made during the appeal procedure that prejudiced the case of LeRoy because of his church membership.

A request for intervention by National Selective Service Headquarters was made, with the result that a Presidential Appeal was taken. During the appeal, a request for a dependency deferment was filed. No action was taken on this request because it was submitted after an induction order, earlier given, was postponed. A classification of I-O was given by the Presidential Appeal Board.

COLLEGE PARK NEWSLETTER

The spring 1953 *College Park Newsletter*, published by members of CPS Unit 116, was sent to us and we thank Mel Holt, the editor of this issue, for it. It is actually in the form of a circular letter and the comments of those who contributed are most interesting. The address of Editor Holt is 6235 N. E. 15th Avenue, Portland 11, Oregon.

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